

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

ESTATE OF HENRY MISSICK

PLAINTIFF

V.

CIVIL ACTION NO. 5:23-cv-0021-KS-BWR

CORECIVIC, INC.

DEFENDANT

JOINT MOTION TO AMEND CASE MANAGEMENT ORDER

Defendant CoreCivic, Inc. (“Defendant”) and Plaintiff Estate of Henry Missick (“Plaintiff”) file this Joint Motion to Amend the Case Management Order and extend various deadlines, as follows:

1. The parties file this Joint Motion in light of two recent developments. First, discovery has been delayed significantly because of the sudden and severe illness experienced by the defense counsel who was then handling the case. Second, in the midst of these delays, the parties began serious settlement discussions and have determined that their time during December is better used in trying to reach a settlement than trying to meet existing deadlines. Also, postponing the defendants’ expert designation deadline and the discovery deadline might allow the defendant to devote to a settlement the money that otherwise would be spent on experts and attorneys.

2. For these reasons, the parties herein request an extension of roughly six weeks to two months for remaining deadlines.

3. The parties are aware that these extensions will lead to an extension of the trial date.¹

¹ The trial is presently set for the June 3 trial calendar. The Court’s deputy clerk informed the parties that the next available trial calendar is August 5; thus, this motion anticipates a trial date within that setting.

4. For reference, the current Case Management Order [20-4] sets forth the following deadlines in this action:

- Plaintiff's expert designation deadline – November 2, 2023
- Defendant's expert designation deadline – December 4, 2023
- Discovery deadline – January 1, 2024
- Settlement conference – January 4, 2024
- Dispositive and *Daubert*-type motions deadline – January 15, 2024
- Pretrial conference – May 23, 2024
- Jury trial – two-week trial calendar beginning June 3, 2024

5. Based on the circumstances outlined above, the parties now request that the Case Management Order be amended as follows:

- Defendant's expert designation deadline – January 22, 2024
- Discovery deadline – February 26, 2024
- Dispositive and *Daubert*-type motions deadline – March 18, 2024
- Settlement conference – *subject to Court's availability*
- Pretrial conference – *subject to Court's availability*
- Jury trial – two-week trial calendar beginning August 5, 2024²

6. Due to the simplicity of this unopposed motion, the parties request that the Court excuse any requirement to file an accompanying memorandum brief.

WHEREFORE, PREMISES CONSIDERED, the parties respectfully request that the Court amend the Case Management Order to extend the remaining deadlines, as requested above.

This the 28th day of November, 2023.

Respectfully submitted,

CORECIVIC, INC., Defendant

BY: /s/ Lem Montgomery
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However, Plaintiff's counsel has a conflict for the August trial setting and sent an email to the Court's deputy clerk asking what the next trial calendar would be.

² Trial date subject to potential change based on Plaintiff's counsel's conflict. *See* n. 1.

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CERTIFICATE OF SERVICE

I, Lem Montgomery, do hereby certify that I filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all registered attorneys:

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ATTORNEYS FOR PLAINTIFF

SO CERTIFIED, this the 28th day of November, 2023.

/s/ Lem Montgomery